

LeClairRyan, a Professional Corporation  
830 Third Avenue, 5<sup>th</sup> Floor  
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Michael T. Conway, Esq.

Attorneys for Defendant Novotel

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KAPIAMBA M. EVARISTE,

Case No. 07-7262 (HB)

Plaintiff,

**NOTICE OF MOTION BY NOVOTEL  
TO DISMISS COMPLAINT**

v.

SECURITAS SECURITY SERVICE and  
NOVOTEL,

Defendants.

---

PLEASE TAKE NOTICE that upon the annexed Declaration of Darilene L. Bonnet, the exhibit annexed thereto, the accompanying memorandum of law and upon all the pleadings and proceedings heretofore had herein, defendant Novotel, by and through its undersigned counsel, will move this Court in Courtroom 23B of the Courthouse, located at 500 Pearl Street, New York, New York, at a date and time to be determined, for an Order pursuant to Fed. R. Civ. P. Rule 12(b)(6), for the dismissal of the Complaint filed by plaintiff Kapiamba M. Evariste.

This motion is based on the failure of plaintiff's Complaint to state a claim on which relief can be granted. Plaintiff's Complaint fails to establish the elements necessary to establish a right to pursue a claim against Novotel under Title VII of the Civil Rights Act of 1964 in that plaintiff was not an employee of Novotel, nor is plaintiff a member of a protected class. The

factual and legal bases for this motion are more fully set forth in the accompanying memorandum of law.

Dated: New York, New York  
January 2, 2008

LeCLAIR RYAN, a Professional Corporation

By: /s/ Michael T. Conway  
Michael Conway, Esq.  
830 Third Avenue  
New York, NY 10022  
Tel.: (212) 430-8032  
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Attorneys for Defendant Novotel

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

KAPIAMBA M. EVARISTE,

Case No. 07-7262 (HB)

Plaintiff,

v.

**DECLARATION OF DARILENE L.  
BONNET IN SUPPORT OF MOTION BY  
NOVOTEL TO DISMISS COMPLAINT**

SECURITAS SECURITY SERVICE and  
NOVOTEL,

Defendants.

---

I, Darilene L. Bonnet, being more than 18 years old and competent to testify, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am employed as Director Human Resources for Fifty Second St. Hotel Assoc., the entity incorrectly identified as “Novotel” in the above-captioned proceeding and which is often referred to as Novotel New York (herein “Novotel”). I respectfully submit this Declaration of my own personal knowledge in support of Novotel’s motion to dismiss.

2. Annexed hereto as Exhibit “A” is a true and correct copy of the complaint served by plaintiff on Novotel.

3. I know from my own personal knowledge that the plaintiff in the above-captioned matter, Kapiamba M. Evariste, was not an employee of Novotel.

4. Nonetheless, in order to remove any doubt, I have reviewed the records maintained by Novotel with respect to its employees and have confirmed that Kapiamba M. Evariste has never been an employee of Novotel.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
January 2, 2008

/s/ Darylene L. Bonnet  
Darylene L. Bonnet

**Exhibit A**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

*JURY TRIAL DEMANDED*

KAPIAMBA M. EVARISTE

NAME OF PLAINTIFF(S)

v.

COMPLAINT

SECURITAS SECURITY SERVICE  
AND NOVOTEL

NAME OF DEFENDANT(S)

This action is brought for discrimination in employment pursuant to (check only those that apply):

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (race, color, gender, religion, national origin).

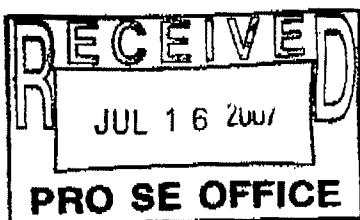
*NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.*

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub. L. No. 99-592, the Civil Rights Act of 1991, Pub. L. No. 102-166).

*NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.*

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117 (amended by the Civil Rights Act of 1991, Pub. L. No. 102-166).

*NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.*



Jurisdiction is specifically conferred upon this United States District Court by the aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub. L. No. 102-166, and any related claims under New York law.

1. Plaintiff resides at:

96-08 57 AVENUE, CORONA,  
Street Address City  
QUEENS, NY, 11368, (347) 814-8424, (718) 527-1872,  
County State Zip Code Telephone Number

2. Defendant(s) lives at, or its business is located at:

200 WEST 50TH STREET, NY,  
Street Address City  
MANHATTAN, NY, 10019, (212) 725-3330,  
County State Zip Code Telephone Number

3. The address at which I sought employment or was employed by the defendant(s) is:

WEST 36TH STREET,  
Street Address  
MANHATTAN, NY, NY,  
County City State Zip Code

4. The discriminatory conduct of which I complain in this action includes (check only those that apply):

- Failure to hire me.  
 Termination of my employment.  
 Failure to promote me.  
 Failure to accommodate my disability.  
 Unequal terms and conditions of my employment.  
 Retaliation  
 Other acts (specify): DISC. ABOUT NATIONAL ORIGIN, SEX FAGG

**NOTE:** Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

5. It is my best recollection that the alleged discriminatory acts occurred on: IT WAS PERPETUAL, BUT RETAINED 10/06 IN FRONT WITNESS!  
Date ABOUT NAT. ORIGIN ON 12/1/06

6. I believe that defendant(s) (check one)

- is still committing these acts against me.  
 is not still committing these acts against me.

7. Defendant(s) discriminated against me based on my:

(check only those that apply and explain)

- [ ] race \_\_\_\_\_ [ ] color \_\_\_\_\_  
[  ] gender/sex CALLING ME FAGGOT [ ] religion \_\_\_\_\_  
[  ] national origin E KAPIAMBA THAT NAME "I DON'T KNOW. IT IS NOT FROM HERE, PATRICIA YES IT IS MY NAME, SHE IS MY SISTER...  
[ ] age 43. My date of birth is: 11/20/1963 → (N/A)  
[ ] disability \_\_\_\_\_

**NOTE:** Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

8. The facts of my case are as follows:

FIRST I WAS EMPLOYED BY SECURITAS TEMPORARILY FOR STRIKE COVERAGE ON APRIL 20, 2006 AT # 343, AT 20 EAST 68TH STREET, I WORKED FROM 2100 TO 0700 AM AND I GOT PAID \$ 27.55 ONLY, IN PLACE OF ALMOST \$ 100. AFTER, MY EXCELLENT FIRST IMPRESSION, THEY HIRED ME AND I WAS EMPLOYED BY SECURITAS FROM MAY 8, 2006 TO NOVEMBER 09, 2006. I WAS FIRED ON JANUARY 27, 2007, THEY SAY "COULD NOT FIND A REASSIGNMENT FOR CLAIMANT" WHILE THEY NEVER FOUND A GUARD FOR TO RELIEVE, WHEN I WAS ON POST AT STREET LOBBY AT NOVOTEL AND ON DECEMBER 29, 2006, AT 34 STREET DEPARTMENT OF MOTOR VEHICLES, I SAW A... (PLEASE SEE ATTACHMENT)

Note: As additional support for the facts of your claim, you may attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights, or the New York City Commission on Human Rights.

9. It is my best recollection that I filed a charge with the New York State Division of Human Rights or the New York City Commission on Human Rights regarding defendant's alleged discriminatory conduct on: \_\_\_\_\_

Date \_\_\_\_\_

10. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct on: 03/06/07

Date \_\_\_\_\_

**Only litigants alleging age discrimination must answer Question # 11.**

11. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (check one),

- 60 days or more have elapsed.  
 less than 60 days have elapsed.

12. The Equal Employment Opportunity Commission (check one) :

- has not issued a Right to Sue letter.  
 has issued a Right to Sue letter, which I received on JUNE 01, 2007.  
Date

**NOTE:** Attach a copy of the Right to Sue Letter from the Equal Employment Opportunity Commission to this complaint.

WHEREFORE, Plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, costs, and attorney's fees.

  
\_\_\_\_\_  
PLAINTIFF'S SIGNATURE  
Dated: JULY 03, 2007

I DISCRIMINATION STATEMENT

(1)

(Cont...) SECURITAS'S COMMERCIAL ABOUT HIRING STATED "SECURITAS IS LOOKING FOR YOU!" THAT MEANS THEY DID NOT HAVE ANY PROBLEM FOR TO REASSIGN ME.

AS I SAID, ON MAY 8, 2006, SECURITAS SENT ME AT NOVOTEL, WHERE I HELD THE POSITION OF STREET LOBBY. MY REGULAR SHIFT WAS FROM 2300 - 0700 AM. MY PERFORMANCE EVALUATIONS WERE ALWAYS EXCELLENT AND I DID NOT RECEIVED ANY REPROACH ABOUT IT. EVEN, MY BRANCH MANAGER MISTER FULTON TOLD ME ON THE PHONE THAT "HE APPRECIATED WHAT I WAS DOING". BUT, ON NOVEMBER 10, 2006, I WAS REMOVED AT NOVOTEL BECAUSE ON NOVEMBER 4, 2006 I REPORTED TO NOVOTEL'S LEAD SECURITY MISTER NUPROAN DE JORGE THAT NOVOTEL'S ALL NIGHT SECURITY SUPERVISOR MISTER PIERRE KENZI, WAS DISCRIMINATED AND HARASSED ME CONTINUALLY - AFTER MY TWO DAYS OFF, NOVEMBER 7 AND 8, 2006, I WENT BACK TO WORK ON NOVEMBER 09, 2006, BUT ON NOVEMBER 10, 2006, AT 2345, WHEN I GOT THERE I FOUND MY CO-WORKER SECURITY OFFICER OLA TUNJI AND ANOTHER S. OFFICER. OLA ASKED ME IF I WAS SCHEDULED OVER THERE, BUT HE KNEW THAT IT WAS MY REGULAR SHIFT (2300 - 0700). I CALLED MISTER FULTON AND HE TOLD ME TO GO TO HIS OFFICE ON NOVEMBER 13, 2006 AT 10AM. SECURITAS NEVER PAID MY 8 HOURS OF NOVEMBER 09, 2006 AND 4 HOURS OF NOVEMBER 10, 2006, BECAUSE THEY DID NOT TOLD ME NOTHING STILL I PAID MY TRANSPORTATION AND I GOT MY POST AT NOVOTEL. THE KEY PROBLEM AS THAT I WAS REMOVED ON MY POST BECAUSE I COMPLAINED THAT NOVOTEL SUPERVISOR WAS CALLING ME FAGGOT AND ALMOST THE DAYS OF GAYS' PARTIES AT CLUB ROSE LAND AT THE BUILDING ACROSS.

NOVOTEL. IT WAS AN OCCASION FOR <sup>HIM</sup> TO LAUGH AT ME AND TO TELL EVERY BODY THAT I WAS GAY, TOO AND THEN HE STARTED HIS HABITUAL SONG "I DON'T LIKE FAGGOT, I DON'T LIKE GAY..." ON OCTOBER, 06, HE REPEATED "HIS GAY," IN PRESENCE OF WORKERS, ON NOVEMBER 13, 2006 AT 200 WEST 50TH STREET AND BROADWAY, MISTER FULTON TOLD ME ON THAT HE REMOVED ME IN HIS BRANCH AND THE ONLY THING HE WAS LOOKING FOR WAS A MOTIVE FOR TO FIRE ME. THAT WHY THEY SENT ME TO BE DISCRIMINATE AND HUMILIATE AGAIN TO ONE OF THEIR POSITIONS AT 200 PARK AVENUE AT MET LIFE BUILDING.

AT DECEMBER 01, 2006, HUMAN RESOURCE PERSONAL JOHNSON SAID ME TO SEE MS. ZULU GRANT FOR TO GOT A NEW SCHEDULE. WHEN I GOT THERE I MET AN OTHER SECURITY PATRICE MURDOCK AND WHEN WE WERE STETTING AT COMMAND ROOM, ONE OF THE SUPERVISOR ASKED ABOUT MY NAME, "EVARISTE KAPIAMBA," I REPLIED AND THEN HE RESPONDED NEGATIVELY "I DON'T KNOW ABOUT THAT NAME..." HE ASKED THE SAME TO THE LADY, "PATRICE," SHE ANSWERED. AT THIS TIME THE SUPERVISOR ACTED POSITIVELY LIKE AN ACTOR OR COMEDIAN "YES, THAT IT IS MY NAME! MY SISTER," HE SAID. THAT HURT ME SO MUCH AND I FELL THAT WAS DISCRIMINATED, BECAUSE I WAS A STRANGER.

EVEN IF FULTON DID NOT GOT A MOTIVE, HE TOOK THE RISK TO FIRE LEGALLY ON JANUARY 27, 2007.

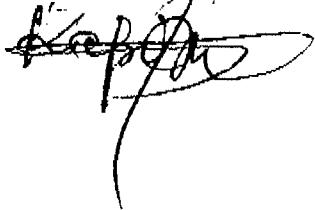
I FILING THIS CHARGE AGAINST NOVOTEL, WHO REMOVED ME ON MY POST BECAUSE I COMPLAINED TO N. DE JORGE THAT I WAS VICTIM OF DISCRIMINATION ABOUT MY SEX MALE (BISEXUAL FEELING THAT REFLECT IN MY VOICE AND PHYSICAL), HARASSMENT, HUMILIATION BY HIS SUPERVISOR OF SECURITY PIERRE ENZI AND AGAINST SECURITAS FOR ABUSES, RETALIATION AND DISCRIMINATION.

CAB-DRIVER ROLAND OF BROOKLYN (PHONE: (347) 401-3548 AND A SPECTRUM'S CLEANER PERSON).

## PERSONAL STATEMENT

MY NAME IS KAPIAMBA EVARISTE AND I ENTERED IN THE UNITED STATES ON MARCH 28, 2001, UNDER THE U.S. REFUGEE PROGRAM (OSR P), PRIORITY ONE. THAT MEANS I AM UNDER THE PROTECTION OF THE UNITED STATES GOVERNMENT AND ACCORDING TO LAW OF 1957 ABOUT THE PROTECTION OF REFUGEES, RATIFIED BY USA, I'M EXEMPTED IN MATTER OF JOB, IN THE CASE OF THE UNITED STATES EXECUTE NATIONAL POLICY OF LABOR. I'M NO MORE, UNDER THE PROTECTION OF DEMOCRATIC REPUBLIC OF CONGO (DRC) GOVERNMENT, EVEN IF I'M NATIONAL ORIGIN OF CONGO. I'M FATHER OF TWO, MY DAUGHTER MARTHE KAPIAMBA, SHE IS 13 AND MY BOY GERMAIN KAPIAMBA, HE IS 10. EVEN IF, THEY ARE STILL BACK HOME, THEY'RE DEPENDENT ON ME. I PROVIDE FOOD AND CLOTHES FOR THEM. I'M PAYING FOR SCHOOL'S FEES, TUITION AND I'M PAYING MEDICAL BILLS FOR THEM. I HAVE ONLY THE NEEDS OF KIDS IN MY MIND. THAT'S WHY I BEG, MISTER FULTON FOR MY JOB, BUT HE DID NOT LISTENED TO ME, BECAUSE HE GOT IN MIND THE PROTECTION OF HIS CLIENT NOVOTEL, WHO VIOLATED THE LAW (ACT OF 1964 ABOUT RACE, COLOR, GENDER, RELIGION, NATIONAL ORIGIN).

KAPIAMBA EVARISTE

 07/16/07

## U.S. EQUAL OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Evariste Kapiamba**  
**96-08 57th Avenue, Apt. 14-M**  
**Corona, NY 11368**

From: **New York District Office**  
**33 Whitehall Street**  
**5th Floor**  
**New York, NY 10004**



*On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.

EEOC Representative

Telephone No.

**520-2007-02156****Patricia M. Araujo,**  
**Investigator****(212) 336-3681****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- While reasonable efforts were made to locate you, we were not able to do so.
- You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.
- The EEOC Issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

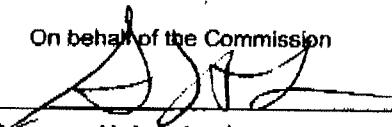
**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission

  
**Spencer H. Lewis, Jr.,**  
**Director**
05/30/07

(Date Mailed)

Enclosures(s)

cc: **SECURITAS SECURITY USA**  
**Director, Human Resources**  
**200 West 50th Street**  
**New York, NY 10036**

EEOC Form 5 (5/01)

## CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

- FEPA  
 EEOC

Agency(ies) Charge No(s):

520-2007-02156

## New York State Division of Human Rights

State or local Agency, if any

and EEOC

Name (Indicate Mr., Ms., Mrs.)

KAPIAMBA EVARISTE

Date of Birth

11/20/1963

Street Address

96-08, 57 AV. CORONA NY, 11368

City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two are named, list under PARTICULARS below.)

Name

NO VOTEIT HOTEL

No. Employees, Members

Phone No. with Area Code

Street Address

226 WEST. 52<sup>nd</sup> STREET NEW YORK, NY

City, State and ZIP Code

No. Employees, Members

Phone No. with Area Code

Street Address

SECURITAS SECURITY S. USA  
200 W 50TH STREET NEW YORK, NY 10019

City, State and ZIP Code

## DISCRIMINATION BASED ON (Check appropriate box(es).)

- RACE     COLOR     SEX     RELIGION  
 RETALIATION     AGE     DISABILITY     OTHER (Specify below.)

## DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

 CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s).)

I was employed by Securitas from May 2006 until December November 09, 2006. As a company of service they sent me at Novotel Hotel one of their client, where I held the position security at lobby street level. I got all night shift from 11pm to 7am. My performance evaluations were always excellent and I did not receive any reproach about it. For example, my branch manager mister Fulton, always he tells me by phone that he appreciated what I was doing. On November 10, 2006 I was removed on my post at Novotel lobby street level because on November 4, 2006 I reported to NOVOTEL's lead security mister Di Jorge that the Novotel's all night security supervisor, was harassing me continually (see attach).

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

MAR 6

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.  
 SIGNATURE OF COMPLAINANT  
*[Signature]*

BASSEL MOUSSA, NOTARY PUBLIC  
 STATE OF NEW YORK NO. 01M05046590  
 QUALIFIED IN QUEENS COUNTY

SUBSCRIBED AND SWORN TO BEFORE ME THIS 6<sup>th</sup> DAY OF MARCH 2007  
 (month, day, year)

03/06/07

Charging Party Signature

*[Signature]*

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(Continued) As I wrote above that harassment was continual, but I recall the incident of latest October, 2006, when he called me "faggot", that means gay in the presence of cab-driver Roland (347-403548) and one of Spectrum's cleaner person (please the Spectrum's all night shift at Novotel at that moment).

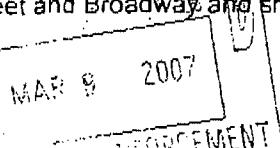
I reported to James, who was appointed supervisor at Novotel by the branch manager Raymond Fulton, about all perpetual harassment incidents. For example, on October individuals assisting party at dancing named temple at corner of 8 avenue and 52nd street, got tickets, because the "unit 1" the all nights Novotel's security supervisor (From Saturday to Wednesday night), Mister Kenzi Pierre authorized them illegally (there is a sign no standing or park in front of hotel), to park their cars in front of 226 West 52nd street Novotel. I remembered that two Police officers a female and a male questioned me about these cars in front of Novotel, I answered that I recognized only the Novotel's engineer cars, for others one they could ask the Novotel's security supervisor mister Kenzi. But I did not told Cops that he got cash in exchange to let them park in front of Novotel. He persecuted me because I was an obstacle for his illegal business.

At 2430 of October 28, 2006 He started yelling at me because I told was person that he was not supposed to park in front of Novotel. When I saw the Novotel's assistant manager mister Mario came in I reported the incident to him. "The rule is that nobody cannot park in front of the hotel," why you are impeding him to do his duty," asked Mario "He is bothering people if they came to attack him here in the street lobby he do not have to call I will not respond," replied Kenzi. I knew that his wish was not to take care of people, but he was only about personal gain. I took that opportunity to report to Mario about all of perpetual harassment incidents and Kenzi threatened me in front of Mario "if I lost my job I will get you on the street." "You are not supposed to say that," replied Mario.

At 2345 of November 4, 2006 I tried to report to D'Jorge the Novotel's lead security manager and his only response he gave me "he is your boss if you do not like to stay here ask your manager to send you to another site." "I like to work here, but he is continuing to harass me," I replied.

**3. ER**  
At 2245 of November 10, 2006 When I come back from my two days off (Tuesday and -> I WORKED 10/09, 10/06 Wednesday), I found the security officer Olakunshi and another at Novotel street lobby. Ola asked me if I was scheduled over there "yes, his my regular shift from 22 to 7am," I replied. They told me to call to call the Securitas branch manager mister Fulton and he told me that the client did not like me to stay there no more. "I asked why?" He replied that "come on my office on Monday and I will tell you why." (PL 10, See the Similitude bet. the React of D'Jorge and st Pat security chief in the Case of S.O Esther Tafar ( by Dan MANGAN, New York Post, THU, March 1, 2007 ) I would like to report to that mister Fulton abused me, too several time I did not got somebody to relief me and always he told me lie that someone was coming but nobody showed up to relief me. Novotel did the same, too they knew that they did not have contract with Securitas on Friday from 7am to 15 or 17, but they forced me to stay with the threat that "if I move they will remove me on the post." I remembered that I never got paid theses over time and I got disciplinary sanction at my command because I did not show up.

At 10am of November 13, 2006 Mister Fulton in reprisal again removed me in his Branch and told me to talk with mister Johnson of Securitas human resources. They started to play me games. They were trying to make me up set and got a motive to fire me. They sent Sharone James, phone number 347- 254-0438, to spy me and she tried to come to my place the second day. I met her to Securitas reception at 200 West at 50th-street and Broadway and she gives me an appointment at New York Hotel.



I thought she was one of the supervisors or managers at New York Hotel, because our conversation was about the job and I was surprise that the day of the appointment she from outside the hotel and she received me in the public lobby. She was questioning if I got plan to buy a car, house... and I replied that "I did not have money to buy car or house, but my plan was to get a good job."

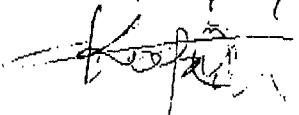
At 12pm of December 01, 2006 Mister Johnson sent me to see Ms. Zulu Grant at 200 Park Avenue Securitas Security Services US, for the new schedule. Patricia (security officer), and I was surprised to learn that we were not sent there for to get a schedule but for a new interview like newcomers, while we were already Securitas employees! After 3 hours of waiting, one of the supervisors came in and asked about our names. When I gave my name he responded negatively and he responded positively about Patricia, commenting "this is my name, she is my sister." Grant sent me back to see again Johnson.

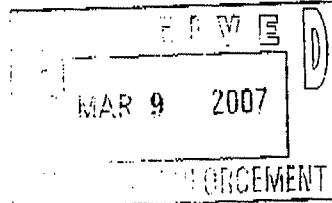
They planed now to ask others branch managers one by one and in my presence if they could accept me in their respectively branch. They started with Lee Cousin, who said no in my presence and the asked, me to come tomorrow and they will do the same with other branch manager Anthony Quinones..., still now they never called me for to get a new schedule

I filing this charge against Novotel, who removed me on my post (Novotel's street lobby), because I reported that I was victim of harassment by their security supervisor, Kenzi Pierre and against Securitas for abuse and discrimination about my national origin.

Evariste Kapiamba

03/06/07





THE MET LIFE BUILDING LOCATED AT 200 PARK AVENUE

CONTACT: ZULU GRANT

TRAVEL: N/R TO 42<sup>ND</sup> TIMES SQUARE TRANSFER TO THE (S) SHUTTLE TO 42<sup>ND</sup> GRAND CENTRAL STATION, PROCEED TOWARDS THE METRO NORTH AREA, TAKE THE ESCALATOR INTO THE METLIFE BUILDING AND LET OUR OFFICERS KNOW YOU ARE THERE TO MEET WITH MS. ZULU GRANT.

CONTACT INFORMATION:

DIRECT: 212-485-5325  
CONSOLE: 212-485-5327

## SECURITAS SECURITY SERVICES USA, INC

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FACILITY ASSIGNMENT - A32873

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TO:	FROM:
Evariste Kapiamba	Raymond Fulton
COMPANY:	DATE:
Securitas	5/8/2006
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
212-603-2759	1 Page
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
212-725-3330 *	A32-873
RE:	YOUR REFERENCE NUMBER:
New Candidate	212725-3330

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URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

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Security Officer - Lobby Access Control

Novotel

Location: 226 52<sup>nd</sup> Street (between 7<sup>th</sup> and 8<sup>th</sup> Avenues)

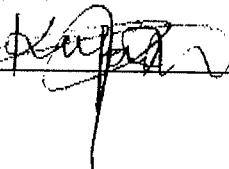
Training Date: April 28, 2006 (2300-0700) Completed Already

Weekly Schedule - Regular Shift: 2300-0700 (Sun/Mon, , Thurs/Fri, Fri/Sat, )

Uniform: Standard Securitas

Payrate: Entry Level as discussed with Branch Manager : \$ 9.50

Emergencies/National Communication Center: (888) 298 - 2705

Schedule Confirmation/Acceptance Signature: 



**200  
Park Avenue  
GUEST**

**EVARISTE KAPIAMBA**

Visiting:

Securitas Security Services US

**12/1/2006 EAST MEZZANINE**

**CERTIFICATE OF SERVICE**

I, NADINE D. HARDY, certify the following to be true under the penalties of perjury:  
on January 2, 2008, I served the within NOTICE OF MOTION BY NOVOTEL TO DISMISS  
COMPLAINT on the parties listed below by depositing one true copy of said paper to the  
addresses listed below, enclosed in a postpaid properly addressed wrapper, in an official  
depository under the exclusive care and custody of the United States Postal Service within the  
State of New York.

Kapiamba M. Evariste  
96-08 57<sup>th</sup> Avenue, Apt. # 14M  
Corona, NY 11368

William H. Healey, Esq.  
Mandelbaum, Salsburg, Gold, Lazris & Discenza, P.C.  
155 Prospect Avenue  
West Orange, NJ 07052

Dated: New York, New York  
January 2, 2008

/s/ Nadine D. Hardy  
Nadine D. Hardy